which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MORAN, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, May 6, 1992, pursuant to the prior announcement of the Chair.

¶48.6 FOREIGN FOOD AID

Mr. BROWN moved to suspend the rules and pass the bill (H.R. 4774) to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries.

The SPEAKER pro tempore, Mr. MORAN, recognized Mr. BROWN of California and Mr. COLEMAN of Missouri, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MORAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.7 CORAL SEA BATTLE ANNIVERSARY

Mr. FALEOMAVAEGA moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 311):

Whereas in 1992 the United States and Australia are commemorating the 50th anniversary of the Battle of the Coral Sea, during which a joint American and Australian naval force first began to turn back the tide of aggression thereby securing Australia from invasion and greatly enhancing allied morale and resolve;

Whereas the alliance between the United States and Australia during World War II was formalized in the 1951 Security Treaty commonly referred to as the ''ANZUS Treaty'', which provides that the United States and Australia will act to meet the common danger in the event of an armed attack in the Pacific against either country;

Whereas the alliance between the United States and Australia has been characterized by an extraordinary degree of cooperation that includes information sharing, combined exercises, joint training and educational programs, and joint facilities;

Whereas the relationship between the United States and Australia goes well beyond security cooperation, and is based on common values and beliefs, such as respect for international law, human rights, and the fundamental concepts underlying the democratic process;

Whereas this relationship is strengthened by a long tradition of friendship, as well as cultural and educational exchanges; and

Whereas the United States and Australia share a wide range of common interests in Asia and the Pacific, such as growth and liberalization of international trade, as well as regional cooperation on economic development, environmental protection, and the peaceful settlement of disputes: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That on the occasion of the 50th anniversary of the Battle of the Coral Sea, the Congress—

(1) pays tribute to the relationship between the United States and Australia, and looks forward to the continued growth and development of this relationship;

(2) reaffirms the importance of security cooperation between the United States and Australia and the importance of their mutual security commitments; and

(3) expresses its strong support for continued close cooperation between Australia and the United States on economic and security issues in Asia and the Pacific.

The SPEAKER pro tempore, Mr. MORAN, recognized Mr. FALEOMAVAEGA and Mr. LAGOMARSINO, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MORAN, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶48.8 ORDER OF BUSINESS—CONSIDERATION OF H.R. 4364

On motion of Mr. BROWN, by unanimous consent,

Ordered, That during the further consideration of the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes, in the Committee of the Whole House on the state of the Union, pursuant to the provisions of House Resolution 432, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole on a subsequent legislative day any recorded votes that may be requested on amendments;

Ordered further, That the Committee of the Whole may proceed to consider titles out of the order in which they appear in the text; and

Ordered further, That the Committee of the Whole may proceed to later titles without prejudice to further proceedings in a title in which a question has been postponed.

¶48.9 NASA AUTHORIZATION

The SPEAKER pro tempore, Mr. MORAN, pursuant to House Resolution 432 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4364) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes.

Mr. PANETTA, Acting Chairman, assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. EDWARDS of California, assumed the Chair.

When Mr. HARRIS, Chairman, pursuant to House Resolution 442, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Aeronautics and Space Administration Multiyear Authorization Act of 1992''.

TITLE I—MULTIYEAR AUTHORIZATION FOR CORE PROGRAMS

SEC. 101. FINDINGS.

Congress finds that—

(1) investments in research and development are directly linked to long-term productivity and economic growth;

(2) as a major driver of advanced technology, the space program can play a major role in the Nation's reinvestment in civilian research and development;

(3) in addition to carrying out the Nation's goals in science and exploration, the space program makes a significant and direct contribution to the national employment base and, through the development of advanced technologies, will contribute to sustaining a healthy employment base and economy in the future;

(4) the long-term health of the United States space program is critically dependent on maintaining a stable and continuously evolving core program of science, space transportation, space exploration, space technology, and space applications;

(5) such a core program must be based on a realistic projection of resources that will be available and should not exceed inflationary growth;

(6) the ending of the Cold War has brought with it the potential to impact adversely the competitive position of the United States by reducing the public's investment in aerospace technology, and the loss of highly skilled aerospace engineers, scientists, and technicians is contrary to the national interest;

(7) the Nation's space program can provide a productive environment for utilizing the skills of scientists and engineers formerly involved in the Nation's defense sector;

(8) civil space activities of the United States, whether made possible by, or in response to, Cold War strategic competition with the Soviet Union, must, in an era of declining political conflict, mature as instruments of United States foreign policy, and grow to support the national interest during the post-Cold War era;

(9) the national interest is furthered by trade and cooperation among friendly nations, and to the extent the former Soviet republics have shown themselves willing and

capable of fostering a friendship with the United States, the national interest is furthered through trade and cooperation of mutual advantage between the United States and the former Soviet republics in civil aerospace, space science, and space exploration;

(10) a vigorous and coordinated effort by the United States and other spacefaring nations is needed to minimize the growth of orbital debris, and space activities should be conducted in a manner that minimizes the likelihood of additional orbital debris creation;

(11) the aerospace industry, rooted in aeronautics, is a major positive contributor to United States international influence and competitiveness;

(12) aeronautical research and development sustains our leadership in air transport and military aviation worldwide;

(13) the National Aero-Space Plane is a core technology for any national aerospace policy and will permit the United States to maintain a worldwide competitive posture into the future; and

(14) it is in the Nation's best economic interest to proceed with the National Aero-Space Plane Phase 3 in fiscal year 1994 so that we can direct our continuing investment to the actual building of the NASP/X–30 Research Airplane.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the National Aeronautics and Space Administration for ''Research and Development'' for the following programs:

(1) Space Station Freedom, $2,250,000,000 for fiscal year 1993, $2,498,300,000 for fiscal year 1994, and $2,744,400,000 for fiscal year 1995. Within 180 days after the date of enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as the ''Administrator'') shall submit to Congress a report on the potential for, and benefits of, augmenting the construction and resupply of the Space Station Freedom by utilizing United States or foreign expendable launch vehicles.

(2) Space Transportation Capability Development, $749,700,000 for fiscal year 1993, $781,200,000 for fiscal year 1994, and $814,000,000 for fiscal year 1995. Of such amounts, $40,000,000 for fiscal year 1993, $41,700,000 for fiscal year 1994, and $43,400,000 for fiscal year 1995 shall be made available for the development of the Space Transportation Main Engine. Within 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report setting forth requirements for a New Launch System, including—

(A) a comparison of the New Launch System to existing launch systems in terms of cost, operability, safety, resilience and robustness, and ability to compete in the world launch market;

(B) a cost/benefits analysis and 10-year life cycle cost estimate of the New Launch System including development costs to be borne by each participating agency, and expected operating costs;

(C) a payload traffic model including commercial and both civil government and military payloads in production as of the date of enactment of this Act, those approved by Congress as of the date of enactment of this Act, and those expected to be requested of Congress;

(D) a technology development plan, including—

(i) a summary of high-risk technologies that will lower life-cycle costs;

(ii) specific benchmarks which can validate the achievement of such technological goals at discrete programmatic milestones during the development phase of the program; and

(iii) an indication of how the accomplishment of technological milestones will relate to the achievement of overall system performance during the operational phase;

(E) an implementation plan describing how the New Launch System will be phased into operational usage at the National Launch Ranges and the overlap with existing systems at those ranges; and

(F) a detailed comparison, including specific cost, payload, and risk assessments, of the New Launch System to other potential launch technologies, whose services could be procured in a commercial manner by the National Aeronautics and Space Administration.

Within 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on possible steps to improve the efficiency and availability of United States expendable launch vehicles, including Scout, Delta, Atlas, and Titan, through modernization of facilities, infrastructure improvements, improved management, new or modified procedures, and otherwise.

(3) Physics and Astronomy, $1,108,500,000 for fiscal year 1993, of which $21,900,000 shall be made available for the Shuttle Test of Relativity Experiment, $1,110,000,000 for fiscal year 1994, and $1,125,000,000 for fiscal year 1995.

(4) Life Sciences, $163,700,000 for fiscal year 1993, of which $2,000,000 shall be made available for cooperative life science activities on the Space Station Mir, $187,000,000 for fiscal year 1994, and $232,000,000 for fiscal year 1995. None of the funds appropriated pursuant to this Act shall be used for the Search for Extraterrestrial Intelligence (SETI).

(5) Planetary Exploration, $467,200,000 for fiscal year 1993, of which $10,000,000 shall be made available for Magellan mission operations, $511,500,000 for fiscal year 1994, and $500,000,000 for fiscal year 1995.

(6) Earth Science and Applications, $477,500,000 for fiscal year 1993, $520,000,000 for fiscal year 1994, and $530,000,000 for fiscal year 1995.

(7) Materials Processing in Space, $185,300,000 for fiscal year 1993, $193,100,000 for fiscal year 1994, and $201,200,000 for fiscal year 1995.

(8) Communications, $4,600,000 for fiscal year 1993, $4,000,000 for fiscal year 1994, and $1,200,000 for fiscal year 1995.

(9) Information Systems, $40,700,000 for fiscal year 1993, $42,400,000 for fiscal year 1994, and $44,200,000 for fiscal year 1995.

(10) Space Science Research Operations Support, $94,000,000 for fiscal year 1993, $97,900,000 for fiscal year 1994, and $102,100,000 for fiscal year 1995.

(11) Commercial Programs, $160,600,000 for fiscal year 1993, $167,300,000 for fiscal year 1994, and $174,400,000 for fiscal year 1995.

(12) Aeronautical Research and Technology, $890,200,000 for fiscal year 1993, $927,600,000 for fiscal year 1994, and $966,500,000 for fiscal year 1995.

(13) Transatmospheric Research and Technology, $80,000,000 for fiscal year 1993, $150,000,000 for fiscal year 1994, and $175,000,000 for fiscal year 1995.

(14) Space Research and Technology, $312,000,000 for fiscal year 1993, $325,100,000 for fiscal year 1994, and $338,800,000 for fiscal year 1995. Of such amounts, $5,000,000 for fiscal year 1993, $10,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995 shall be made available for carrying out a program of component technology development, validation, and demonstration directed at reducing the cost and improving the capabilities and reliability of commercial launch vehicles.

(15) Safety Reliability and Quality Assurance, $32,500,000 for fiscal year 1993, $33,900,000 for fiscal year 1994, and $35,300,000 for fiscal year 1995.

(16) Academic Programs, $71,400,000 for fiscal year 1993, $74,400,000 for fiscal year 1994, and $77,500,000 for fiscal year 1995.

(17) Tracking and Data Advanced Systems, $23,200,000 for fiscal year 1993, $24,200,000 for fiscal year 1994, and $25,200,000 for fiscal year 1995.

(b) SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration for ''Space Flight, Control, and Data Communications'' for the following programs:

(1) Space Shuttle Production and Operational Capability, $993,800,000 for fiscal year 1993, $1,035,500,000 for fiscal year 1994, and $1,079,000,000 for fiscal year 1995.

(2) Space Shuttle Operations, $3,105,200,000 for fiscal year 1993, $3,142,500,000 for fiscal year 1994, and $3,180,200,000 for fiscal year 1995.

(3) Launch Services $207,500,000 for fiscal year 1993, $216,200,000 for fiscal year 1994, and $225,300,000 for fiscal year 1995.

(4) Space and Ground Network, Communications and Data Systems, $911,000,000 for fiscal year 1993, $949,300,000 for fiscal year 1994, and $989,100,000 for fiscal year 1995.

(c) CONSTRUCTION OF FACILITIES.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1993 for ''Construction of Facilities'', including land acquisition, as follows:

(1) Construction of Space Station Processing Facility, Kennedy Space Center, $24,000,000.

(2) Modifications for Payload Operations Integration Center, Marshall Space Flight Center, $1,800,000.

(3) Replace Aircraft Operations Support Facilities, Johnson Space Center, $1,600,000.

(4) Modify Electrical and Mechanical System, Utility Annex, Kennedy Space Center, $4,400,000.

(5) Rehabilitate Explosive Safe Area-60 High Bays Support System, Kennedy Space Center, $2,000,000.

(6) Rehabilitate LC–39 Area Fire Alarm Reporting System, Kennedy Space Center, $4,300,000.

(7) Replace Boiler House Components, Michoud Assembly Facility, $2,300,000.

(8) Restoration of High Pressure Gas Facility, Stennis Space Center, $6,800,000.

(9) Rehabilitation of Crawlerway, Kennedy Space Center, $2,000,000.

(10) Restoration of Information and Electronic Systems Laboratory, Marshall Space Flight Center, $5,000,000.

(11) Rehabilitation and Expansion of Communications Duct Banks, Kennedy Space Center, $1,500,000.

(12) Replace Central Plant Chilled Water Equipment, Johnson Space Center, $4,000,000.

(13) Restoration of Underground Communication Distribution System, Stennis Space Center, $2,200,000.

(14) Restoration/Modernization of Electrical Distribution System, Goddard Space Flight Center, $4,500,000.

(15) Modernization of Unitary Plan Wind Tunnel Complex, Ames Research Center, $8,000,000.

(16) Modifications to 14- by 22-foot Subsonic Wind Tunnel, Langley Research Center, $2,200,000.

(17) Repair and Modernization of the 12-foot Pressure Wind Tunnel, Ames Research Center, $21,400,000.

(18) Rehabilitation of Icing Research Tunnel, Lewis Research Center, $2,700,000.

(19) Modernization of 16-foot Transonic Tunnel, Langley Research Center, $3,600,000.

(20) Rehabilitation of Central Air System, Lewis Research Center, $12,200,000.

(21) Construction of 34-meter Multifrequency Antenna, Canberra, Australia, Jet Propulsion Laboratory, $15,600,000.

(22) Construction of 34-meter Multifrequency Antenna, Madrid, Spain, Jet Propulsion Laboratory, $16,200,000.

(23) Restoration and Modernization of Infrared Telescope Facility, Mauna Kea, Hawaii, $2,000,000.

(24) Repair of facilities at various locations, not in excess of $1,000,000 per project, $31,900,000.

(25) Rehabilitation and modification of facilities at various locations not in excess of $1,000,000 per project, $34,000,000.

(26) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $750,000 per project, $14,000,000.

(27) Environmental Compliance and Restoration Program, $40,000,000.

(28) Facility Planning and Design, $26,700,000.

Notwithstanding paragraphs (1) through (28), the total amount appropriated pursuant to this subsection shall not exceed $286,900,000 for fiscal year 1993. There are authorized to be appropriated for ''Construction of Facilities'', including land acquisition, $343,800,000 for fiscal year 1994 and $335,700,000 for fiscal year 1995.

(d) RESEARCH AND PROGRAM MANAGEMENT.—There are authorized to be appropriated to the National Aeronautics and Space Administration for ''Research and Program Management'' $1,656,000,000 for fiscal year 1993, $1,725,600,000 for fiscal year 1994, and $1,798,000,000 for fiscal year 1995.

(e) INSPECTOR GENERAL.—There are authorized to be appropriated to the National Aeronautics and Space Administration for ''Inspector General'' $15,900,000 for fiscal year 1993, $16,600,000 for fiscal year 1994, and $17,300,000 for fiscal year 1995.

TITLE II—MULTIYEAR AUTHORIZATION FOR SPECIAL INITIATIVES

SEC. 201. FINDINGS.

Congress finds that—

(1) in addition to carrying out a core space program, international leadership, technological advancement, and expanded scientific knowledge will be enhanced by an expanded space program based on special initiatives in science, exploration, space transportation, space technology, and space applications;

(2) special initiatives carried out under an expanded space program should compete on an annual basis with other Federal discretionary programs, but not with core space programs;

(3) the orderly and phased transfer of funding from defense research and development to civilian research and development over the next 5 years will achieve a balance between defense and civilian investments and provide the necessary resources to undertake an expanded space program;

(4) it is in the national interest and of benefit to international agreements for the Space Station Freedom to plan for the completion of a permanent manned Space Station utilizing a crew of 8 and providing 75 kilowatts of power;

(5) the successful conduct of an aggressive yet affordable Space Exploration Initiative will critically depend on precursor demonstrations of innovative cost control measures and efficient management practices;

(6) the Administrator should undertake a focused Earth Observing System program responsive to policy needs; and

(7) inasmuch as civil launch requirements and launch rates will remain reasonably static over the next decade, the incremental improvement of current vehicles and facilities will provide a low-cost means to enhance United States launch capabilities.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION.—Appropriations may be made under subsections (b), (c), and (d) only to the extent that appropriations are made to the National Aeronautics and Space Administration in excess of $14,300,900,000 for fiscal year 1993, $15,090,800,000 for fiscal year 1994, and $15,724,900,000 for fiscal year 1995.

(b) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to the National Aeronautics and Space Administration for ''Research and Development'' for the following special initiatives:

(1) Space Station Freedom, $60,000,000 for fiscal year 1994, and $120,000,000 for fiscal year 1995, in order to provide for an Assured Crew Return Vehicle by fiscal year 1999, a power level of 75 kilowatts, and a crew of 8.

(2) Earth Observing System, including the Earth Observing System Data Information System, $371,000,000 for fiscal year 1993, $695,000,000 for fiscal year 1994, and $1,000,000,000 for fiscal year 1995.

(A) PROGRAM OBJECTIVES.—The Administrator shall carry out an Earth Observing System program that addresses the highest priority international climate change research goals as defined by the Committee on Earth and Environmental Sciences and the Intergovernmental Panel on Climate Change.

(B) REPORTS TO CONGRESS.—(i) Within 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a Resiliency Plan which sets forth technical and programmatic contingencies for the Earth Observing System in the event that funding shortfalls occur, and which will ensure that the highest priority measurements are maintained on schedule to the greatest extent practicable while lower priority measurements are deferred, deleted, or obtained through other means. The report shall specifically identify what satellites and instrument complements would be launched under various funding profiles.

(ii) Within 30 days after the award of a contract for the Core System of the Earth Observing System Data and Information System, the Administrator shall submit to Congress a Development Plan which—

(I) identifies the highest risk elements of the development effort and the key advanced technologies required to significantly increase scientific productivity;

(II) provides a plan for the development of one or more prototype systems for use in reducing the development risk of critical system elements and obtaining feedback from scientific users;

(III) provides a plan for research into key advanced technologies; and

(IV) identifies sufficient resources for carrying out the Development Plan.

(C) DATA ACCESS STUDY.—Of the funds provided for in this paragraph, up to $34,100,000 in fiscal year 1993 may be made available for the Consortium for International Earth Science Information Network. As a condition of the receipt of such funds, the Consortium shall carry out a study, with the guidance of the Administrator and the Committee on Earth and Environmental Sciences, which—

(i) specifically identifies products of the Earth Observing System Data and Information System which will be directly useful to policymakers in Federal, State, and local government agencies, users in commercial firms and nonprofit institutions, and scientific users in fields other than Earth science;

(ii) identifies such users, their approximate numbers and institutional affiliations, and their specific data needs that can be satisfied by products of the Earth Observing System Data and Information System;

(iii) identifies existing and potential socio-economic data including information on land use, industrial activities, public health, and population, that are critical for understanding human interactions with the global environment, and identifies users who require such data; and

(iv) describes a range of options for making such socio-economic data and relevant products of the Earth Observing System Data and Information System easily accessible to the identified users and the relative costs associated with these options.

Such consortium shall provide a report to Congress by September 30, 1993, summarizing the findings of the study.

(3) Space Exploration, $31,800,000 for fiscal year 1993, $67,300,000 for fiscal year 1994, and $78,900,000 for fiscal year 1995, for the development and launch of the following 3 spacecraft: a robotic lunar geodetic scout spacecraft, a robotic lunar resource mapper spacecraft, and a robotic lunar lander spacecraft, as well as for the purchase of expendable launch vehicle services to launch the 3 spacecraft. The total cost of the development and launch of such missions shall not exceed $490,000,000.

(c) SPACE FLIGHT, CONTROL, AND DATA COMMUNICATIONS.—There are authorized to be appropriated to the National Aeronautics and Space Administration for ''Space Flight, Control, and Data Communications'' for the following special initiatives:

(1) Development of the Advanced Solid Rocket Motor, $440,000,000 for fiscal year 1993, $400,000,000 for fiscal year 1994, and $487,000,000 for fiscal year 1995. Notwithstanding the previous sentence—

(A) if less than $15,253,000,000 is appropriated to the National Aeronautics and Space Administration for fiscal year 1993, then—

(i) not more than $260,000,000 are authorized to be appropriated for the continued development of the Advanced Solid Rocket Motor; and

(ii) the Administrator may not obligate in excess of $260,000,000 for the Advanced Solid Rocket Motor program;

(B) if the Advanced Solid Rocket Motor will not be available for use on the sixth space station assembly mission or earlier, then—

(i) no funds are authorized to be appropriated for the continued development of the Advanced Solid Rocket Motor;

(ii) the Administrator may not obligate any funds for the Advanced Solid Rocket Motor program; and

(iii) the total amount that may be made available for ''Space Shuttle Production and Operational Capability'' under section 102(b)(1) shall be $1,001,800,000 for fiscal year 1993, $1,043,900,000 for fiscal year 1994, and $1,087,700,000 for fiscal year 1995.

(2) Space Transportation Enhancement, $7,000,000 for fiscal year 1993 for assessment of the mission need and cost justification of providing for the incremental improvement in the Space Shuttle fleet including—

(A) the extension of on-orbit duration;

(B) the development of unmanned Shuttle capabilities;

(C) the increase in lift performance; and

(D) the enhancement of existent Shuttle flight reliability.

By September 30, 1993, the Administrator shall submit to Congress a full report outlining the specific actions that are planned under this paragraph.

(3) Development and procurement of second-generation Tracking and Data Relay Satellites, $200,000,000 for fiscal year 1994 and $300,000,000 for fiscal year 1995.

(d) CONSTRUCTION OF FACILITIES.—There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1993 for ''Construction of Facilities'' for the following special initiatives:

(1) Construction of Earth Observing System Data Information System Facility at the Goddard Space Flight Center, $22,300,000.

(2) Construction of Advanced Solid Rocket Motor Facilities (various locations), $80,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. USE OF FUNDS FOR CERTAIN ITEMS AND GRANTS.

(a) Notwithstanding titles I and II, appropriations authorized in this Act for ''Research and Development'' and ''Space Flight, Control, and Data Communications'' may be used—

(1) for any items of a capital nature (other than installations of the National Aeronautics and Space Administration for the performance of research and development contracts; and

(2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities.

(b) Title to facilities described in subsection (a)(2) shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each grant under subsection (a)(2) shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefit adequate to justify the making of that grant.

(c) None of the funds appropriated for ''Research and Development'' and ''Space Flight, Control, and Data Communications'' pursuant to this Act may be used in accordance with this section for the construction of any facility, the estimated cost of which, including collateral equipment, exceeds $750,000, unless the Administrator has notified the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the nature, location, and estimated cost of such facility.

SEC. 302. AVAILABILITY OF APPROPRIATED AMOUNTS.

Appropriations authorized under this Act for ''Research and Development'', for ''Space Flight, Control, and Data Communications'', or for ''Construction of Facilities'' may remain available until expended. Appropriations authorized under this Act for ''Research and Program Management'' for maintenance and operation of facilities and for other services shall remain available through the next fiscal year following the fiscal year for which such amount is appropriated.

SEC. 303. USE OF FUNDS SCIENTIFIC CONSULTATIONS AND EXTRAORDINARY EXPENSES.

Appropriations authorized under this Act for ''Research and Program Management'' may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator, and the Administrator's determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 304. CONSTRUCTION OF FACILITIES REPROGRAMMING.

Appropriations authorized under this Act for ''Construction of Facilities''—

(1) in the discretion of the Administrator or the Administrator's designee, may be varied upward by 10 percent; or

(2) following a report by the Administrator or the Administrator's designee to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the circumstances of such action, may be varied upward by 25 percent, to meet unusual cost variations.

The total amount authorized to be appropriated for ''Construction of Facilities'' shall not be increased as a result of actions authorized under paragraphs (1) and (2).

SEC. 305. SPECIAL REPROGRAMMING AUTHORITY FOR CONSTRUCTION OF FACILITIES.

Where the Administrator determines that new developments or scientific or engineering changes in the national program of aeronautical and space activities have occurred; and that such changes require the use of additional funds for the purposes of construction, expansions, or modification of facilities at any location; and that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may transfer not to exceed one-half of 1 percent of the funds appropriated for ''Research and Development'' and ''Space Flight, Control, and Data Communications'' to the ''Construction of Facilities'' appropriation for such purposes. The Administrator may also use up to $10,000,000 of the amounts authorized for ''Construction of Facilities'' for such purposes. The funds so made available pursuant to this section may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No such funds may be obligated until a period of 30 days has passed after the Administrator or the Administrator's designee has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a written report describing the nature of the construction, its cost, and the reasons therefor.

SEC. 306. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by Congress from requests as originally made to either the Committee on Commerce, Science, and Transportation of the Senate or the Committee on Science, Space, and Technology of the House of Representatives;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by titles I and II of this Act; and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to either such committee,

unless a period of 30 days has passed after the receipt, by each such committee, of notice given by the Administrator or the Administrator's designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 307. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) LIMITATION.—Except as provided in subsection (d), no funds appropriated to the National Aeronautics and Space Administration for fiscal year 1993 may be obligated unless such funds are determined by the Administrator under subsection (b)(2) to be for programs, projects, or activities specifically authorized under this Act.

(b) REPORT TO CONGRESS.—Not later than 30 days after the later of the date of enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1993 or the date of enactment of this Act, the Administrator shall submit a report to Congress and to the Comptroller General which specifies—

(1) the portion of such appropriations which are for programs, projects, or activities not specifically authorized under this Act, or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(2) the portion of such appropriations which are specifically authorized under this Act.

(c) COMPTROLLER GENERAL REVIEW.—Within 30 days after the submission of the report required under subsection (b), the Comptroller General shall report to Congress on any specification made by the Administrator in the report submitted under subsection (b) that the Comptroller General considers incorrect.

(d) CONTINUING AUTHORITY.—If, at any time after September 30, 1992, appropriations have been made for the National Aeronautics and Space Administration for fiscal year 1993 but no report has been submitted under subsection (b), such appropriations may be obligated by the Administrator for programs, projects, or activities carried out by the National Aeronautics and Space Administration during fiscal year 1992, but at no greater than the lower of—

(1) the rate such programs, projects, or activities were funded during fiscal year 1992; or

(2) the rate such programs, projects, or activities are appropriated for in the fiscal year 1993 appropriations Act.

SEC. 308. TRANSMISSION OF BUDGET ESTIMATES.

The Administrator shall, at the time of submission of the President's annual budget, transmit to Congress—

(1) a 5-year budget detailing the estimated development costs for each individual program under the jurisdiction of the National Aeronautics and Space Administration for which development costs are expected to exceed $200,000,000; and

(2) an estimate of the lifecycle costs associated with each such program.

SEC. 309. COMMERCIAL SPACE LAUNCH ACT AUTHORIZATION.

Section 24 of the Commercial Space Launch Act (49 U.S.C. App. 2623) is amended—

(1) by striking ''1992'' and all that follows through ''(2)'' and inserting in lieu thereof ''1992''; and

(2) by adding at the end the following: ''There are authorized to be appropriated to the Secretary for fiscal year 1993 $4,900,000 to carry out this Act. The Secretary may not collect any user fees for any regulatory or other services conducted pursuant to this Act, unless specifically authorized by this Act.''.

SEC. 310. NATIONAL SPACE COUNCIL AUTHORIZATION.

There are authorized to be appropriated to carry out the activities of the National Space Council established by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471), $1,598,000 for fiscal year 1993, of which not more than $1,000 shall be available for official reception and representation expenses. The National Space Council shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

SEC. 311. OFFICE OF SPACE COMMERCE AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Commerce for the Office of Space Commerce $515,000 for fiscal year 1993.

SEC. 312. SPACE AGENCY FORUM ON INTERNATIONAL SPACE YEAR.

(a) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that it is in the national interest that the Space Agency Forum on International Space Year (in this section referred to as ''SAFISY'') maintain its facilitating role in the coordination of current and planned complementary Earth and space science research findings so as to maximize scientific return;

(2) that the initiatives for multilateral scientific cooperation among space agencies and international scientific organizations undertaken by SAFISY should continue beyond 1992, the International Space Year; and

(3) that the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration should pursue implementation of proposals for long-term multilateral scientific cooperation developed during the International Space Year, notably those contained in the report of the second Pacific ISY Conference.

(b) REPORT TO CONGRESS.—At the earliest practicable date, but not later than September 1, 1993, the National Aeronautics and Space Administration shall submit to Congress its plan for continuing SAFISY activities, with particular reference to planned coordination of current and future complementary Earth and space science research findings, and other acts of multilateral scientific cooperation.

SEC. 313. CRAF/CASSINI MISSION.

Section 103(a)(1)(S) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1991 (Public Law 101–611; 104 Stat. 3192), is repealed.

SEC. 314. COOPERATION WITH THE FORMER SOVIET UNION.

It is the sense of Congress that—

(1) the collapse of the former Soviet Union and its replacement by a commonwealth of democratizing republics is one of the most profound changes to occur in world affairs in the 20th century;

(2) it is an event that will have a fundamental and lasting impact on the United States, both domestically and internationally;

(3) the domestic impact has already been seen in reduced defense budgets for both personnel and systems procurement, particularly in advanced technology;

(4) internationally, the impact has already enabled foreign competitors of United States industry to obtain unique advanced technology from the former Soviet Union's military, research, and industrial organizations for a tiny fraction of their development costs;

(5) these, together with other fundamental and long lasting effects, require that the United States thoroughly reexamine its policy regarding cooperation and trade with the former republics of the Soviet Union, particularly Russia;

(6) until broad new policies are implemented, the operating predisposition of relevant United States technology authorities shall be flexible, positive, and enabling;

(7) it is in the national interest that the National Aeronautics and Space Administration aggressively identify, examine, and where appropriate, import unique space hardware, technologies, and services available from former Soviet republics;

(8) furthermore, the President should develop a broad plan of technology procurement to identify and evaluate all unique hardware, technologies, and services available to the United States from the former Soviet republics' design bureaus, scientific production associations, and research institutes;

(9) at a minimum, the National Aeronautics and Space Administration should give careful attention to determining which of the technologies it has identified as high priority in its Space Research and Technology Integrated Technology Plan can be obtained from former Soviet sources and initiate steps to expeditiously acquire them;

(10) the process of acquiring and integrating former Soviet hardware, technology, and services by the United States can be expedited and enhanced by private sector involvement in identifying, evaluating, acquiring, and integrating such hardware, technology, and services for profitable use;

(11) the importance of United States private sector involvement in this activity cannot be overemphasized in order to create new American jobs, and to ensure that proceeds from acquisitions are reinvested by the seller in nonmilitary, profit-oriented applications for the commercial market;

(12) United States private sector partnerships and joint venture agreements with former Soviet design bureaus, scientific production associations, and research institutes should be encouraged wherever possible to conduct technology acquisition and integration; and

(13) in the course of pursuing trade opportunities with the former Soviet republics, the United States shall give due consideration to the effect of its actions on United States industry and technology programs.

SEC. 315. USE OF DOMESTIC PRODUCTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the ''Buy American Act'').

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Administrator, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(b) DEFINITIONS.—For the purposes of this section, the term ''domestic product'' means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

SEC. 316. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) GENERAL RULE.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator shall investigate the use of abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities and shall prioritize such uses where cost effective, as determined by the Administrator.

(b) DEFINITION.—For purposes of this section, the term ''depressed communities'' means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

SEC. 317. LIMITATION ON APPROPRIATIONS.

Appropriations for activities with respect to which specific amounts are authorized under this Act may not be made to the extent such appropriations provide for allocations of amounts not explicitly provided for in this Act.

SEC. 318. STUDY OF USES OF TECHNICAL INFORMATION.

The National Aeronautics and Space Administration shall undertake a study of the extent to which information developed by the Administration, by itself or in cooperation with industry, academic or other government partners or contractors, is brought to market by foreign aerospace firms or their subcontractors more quickly than by United States companies. NASA shall report the results of such study to the Congress no later than October 1, 1992.

TITLE IV—HIGH RISK RESEARCH AND DEVELOPMENT CONTRACT ADMINISTRATION

SEC. 401. FINDINGS.

Congress finds that—

(1) some leading edge research and development projects which are in the public interest to conduct have a significant chance of not achieving their desired goals due to the inherent risks in the nature of the research and development project being attempted;

(2) Federal Governmentwide procurement regulations require, in such high risk research and development projects, that the National Aeronautics and Space Administration reimburse the contractor for the costs of correcting or replacing articles even when the articles are defective in materials and workmanship, or otherwise fail to conform to the contract requirements, and where the defect or failure has been within the control of the contractor;

(3) the National Aeronautics and Space Administration's procurement policies are based on the reasonable assumption that contractors would not conduct some desirable high-risk research and development projects unless the National Aeronautics and Space Administration assumes the risk for the failure of the research and development project;

(4) such procurement policies are further based on the assumption that it is significantly less expensive for the National Aeronautics and Space Administration to assume the risk of failure of high-risk research and development projects than to require the contractors to assume such risks;

(5) such procurement policies should be limited to use in true leading edge research and development contracts, where successful results are uncertain at the outset and should not apply to those aspects of such contracts where defects in materials and workmanship, or other failures to conform to contract requirements, were within the control of the contractor;

(6) a shared allocation of risk based on a competitive procurement process for research and development contracts may result in an overall cost savings to the National Aeronautics and Space Administration; and

(7) it would be beneficial to reexamine the effect of the National Aeronautics and Space Administration's procurement policies on the cost of conducting its research and development projects.

SEC. 402. ACQUISITION POLICY ASSESSMENT.

(a) ASSESSMENT.—Within one hundred and eighty days after the date of enactment of this Act, the Administrator, in coordination as necessary with the Office of Federal Procurement Policy and the Federal Acquisition Regulation Council, shall carry out an assessment of the allocation of risk between the Government and its contractors for future research and development contracts in order to identify options for increasing the contractor's allocation of risk for defects in materials and workmanship or other failures to conform to contract requirements. The National Aeronautics and Space Administration is encouraged to test those options identified.

(b) CONTENTS.—In carrying out the assessment in subsection (a), the Administrator shall consider—

(1) technical uncertainty, market dynamics, and equity to both the Government and the contractor community;

(2) the use of positive fee incentives reflecting the level of cost, schedule, and performance risk accepted by the contractor;

(3) the use of negative fee incentives, including provisions providing for less than full cost recovery for work determined to be defective in materials or workmanship or which otherwise fail to conform to contract requirements;

(4) the appropriate use of rollovers;

(5) the appropriate use of retroactive award fee adjustments;

(6) the appropriate use of value engineering;

(7) the use of warranties to ensure that the end product or a specified subproduct of a contract meets the performance requirements of a contract; and

(8) the recovery of costs for the replacement or correction of articles which are defective in materials or workmanship, or which otherwise fail to conform to contract requirements.

SEC. 403. PROMULGATION OF REGULATIONS.

Within twelve months after the date of enactment of this Act, the Administrator, in coordination as necessary with the Office of Federal Procurement Policy and the Federal Acquisition Regulation Council, shall develop regulations for the administration of research and development contracts which propose specific changes to National Aeronautics and Space Administration Procurement Regulations and, as necessary, Federal Acquisition Regulations, in the form of mandatory and optional clauses which—

(1) establish policies and procedures for the use of performance-based contracts, incorporating positive and/or negative fee incentives to the maximum extent practicable; and

(2) establish policies and procedures—

(A) for limiting the use of clauses of the Federal Acquisition Regulations which otherwise obligate the Government to pay for the cost of correction of defects in materials and workmanship and work which otherwise fails to conform to contract requirements, and eliminating the use of such clauses where the defect or failure is within the control of the contractor; and

(B) to provide for less than full cost recovery for work determined to be defective in materials and workmanship or which otherwise fails to conform to contract requirements.

SEC. 404. REPORT.

Within one hundred and eighty days after the date of enactment of this Act, the Administrator shall report to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the progress in implementing this title.

SEC. 405. DEFINITIONS.

For the purpose of this title—

(1) the term ''performance-based contracting'' means structuring all aspects of an acquisition around the purpose of the work to be performed as opposed to either the manner by which the work is to be performed or broad statements of work;

(2) the term ''positive fee incentive'' means that element of the potential total remuneration that a contractor may receive for contract performance over and above the allowable costs;

(3) the term ''negative fee incentive'' means a rebate payable to the National Aeronautics and Space Administration by a contracting party whose deliverable item or service is not in conformance with contract requirements or otherwise deemed to be defective work; and

(4) the term ''rollover'' means the act of reallocating any positive fee incentives not earned by a contractor due to less than excellent performance to subsequent opportunities for award available in the contract.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. EDWARDS of California, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶48.10 SUBCOMMITTEE TO SIT

On motion of Ms. OAKAR, by unanimous consent, the Subcommittee on International Finance and Trade of the Committee on Banking, Finance and Urban Affairs was granted permission to sit during the 5-minute rule on Wednesday, May 6, 1992.

¶48.11 PROVIDING FOR THE CONSIDERATION OF H.R. 2039

Mr. DERRICK, by direction of the Committee on Rules, reported (Rept. No. 102–512) the resolution (H. Res. 444) providing for the consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶48.12 SENATE JOINT RESOLUTIONS REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 166. Joint resolution designating the week of October 4 through 10, 1992, as ''National Customer Service Week''; to the Committee on Post Office and Civil Service.

¶48.13 ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4184. An Act to designate the Department of Veterans Affairs Medical Center located in Northampton, Massachusetts, as the ''Edward P. Boland Department of Veterans Affairs Medical Center''.

And then,

¶48.14 ADJOURNMENT

On motion of Mr. DREIER, pursuant to the special order agreed to on April 30, 1992, at 4 o'clock and 33 minutes p.m., the House adjourned until 10 o'clock a.m., Wednesday, May 6, 1992.

¶48.15 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS. Committee on Government Operations. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102–474, Pt. 5). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102–474, Pt. 6). Ordered to be printed.

Mr. BROOKS: Committee on the Judiciary. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102–474, Pt. 7). Ordered to be printed.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rep. 102–474, Pt. 8). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 444. Resolution providing for the consideration of H.R. 2039, a bill to authorize appropriations for the Legal Services Corporation, and for other purposes (Rep. 102–512). Referred to the House Calendar.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 776. A bill to provide for improved energy efficiency; with amendments (Rept. 102–474, Pt. 9). Ordered to be printed.

¶48.16 SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

The Committee on Agriculture discharged from further consideration of H.R. 776; H.R. 776 referred to the Committee of the Whole House on the State of the Union.

¶48.17 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. JONES of North Carolina, Mr. STUDDS, Mr. DAVIS, Mr. FIELDS, and Mr. JEFFERSON):

H.R. 5055. A bill to authorize appropriations for the Coast Guard for fiscal year 1993, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ALLEN (for himself, Mr. BLILEY, Mr. MORAN, Mr. BATEMAN, Mr. PAYNE of Virginia, Mr. WOLF, Mr. SISISKY, Mr. OLIN, Mr. BOUCHER, Mr. PICKETT, Mr. HUBBARD, Mr. HORTON, Mr. APPLEGATE, Mr. JEFFERSON, Mr. SKEEN, Mr. FALEOMAVAEGA, Mr. ZIMMER, Mr. DEFAZIO, Mr. OBERSTAR, Mr. HARRIS, Mr. FORD of Tennessee, Mr. COYNE, and Mr. HUGHES):

H.R. 5056. A bill to establish a commission to commemorate the 250th anniversary of the birth of Thomas Jefferson; to the Committee on Post Office and Civil Service.

By Mr. BROWN (for himself, Mrs. MORELLA, and Mr. EVANS):

H.R. 5057. A bill to facilitate the development of an integrated, nationwide telecommunications system dedicated to instruction by guaranteeing the acquisition of a communications satellite system used solely for communications among State and local instructional institutions and agencies and instructional resource providers; to the Committee on Education and Labor.

By Mr. CLAY:

H.R. 5058. A bill to authorize appropriations for the American Folklife Center for fiscal years 1993, 1994, 1995, 1996, and 1997; to the Committee on House Administration.

H.R. 5059. A bill to extend the boundaries of the grounds of the National Gallery of Art